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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,121	03/29/2004	James Johnson	26090-034	1539

7590 07/07/2006

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PO Box 951
Wilmington, DE 19899-0951

EXAMINER

TYLER, STEPHANIE E

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,121

Applicant(s)

JOHNSON, JAMES

Examiner

Stephanie E. Tyler

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3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/8/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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Detailed Action

Election/Restrictions

The Office has withdrawn the election/restrictions requirement that was filed on March 3, 2006.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Rutter et al. (5,901,761).

The Rutter et al. reference discloses a fitment (fig.9) for attachment to a container a generally cylindrical spout (301) having an external surface capable of mating with a collar of a dispensing connector, a generally cylindrical external slider (303) movable axially within the spout (301); and a generally cylindrical internal slider (309) movable axially within the external slider (303), the internal slider (309) movable between a closed position operable to prevent the flow of fluid through the fitment and an open position operable to allow the flow of fluid through the fitment, the internal slider (309) being adapted to be moved between the closed and open positions by insertion of a dispensing connector into the external slider (303) adjacent the internal slider (309), the internal slider (309) being biased towards the closed position.

Regarding claim 2 note in figure 9 wherein the internal slider (309) is biased towards the closed position by the external slider (303).

Regarding claim 3 note in figure 9 wherein a fitment for attachment to a container for holding and dispensing a fluid, the fitment comprising: a generally cylindrical spout (301) having an external surface capable of mating with a collar of a dispensing connector, a first generally cylindrical external slider (303) movable axially within the spout (301).

Regarding claim 4 note in figure 9 wherein, the first generally cylindrical slider (303) having a series of apertures (325, col.7, lines 27-29) therein to allow the passage of fluid therethrough.

Regarding claim 5 note in figure 9 wherein the biasing means comprises at least one projection (321, .fig.9)¹ located on one of the external slider (303) and the internal slider (309), the at least one projection abutting against at least a portion of the other slider.

3. Claims 6-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rutter et al. (5,697,410).

The Rutter et al. reference discloses in figures 9-15 a double slider valve having a first generally cylindrical external slider (303) movable axially within the spout (301); and a generally cylindrical internal slider (309) movable axially within the external slider (303) and having a series of ports (321) located therein to allow the passage of fluid

¹ Please refer to Appendix A for specified feature(s).

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therethrough, the internal slider (309) movable between a closed position operable to prevent the flow of fluid through the fitment and an open position in which the apertures and the ports are aligned and define a passageway through which fluid can flow, the internal slider (309) being adapted to be moved between the closed and open positions by insertion of a dispensing connector (71') into the external slider (303) adjacent the internal slider (309), and biasing means for resiliently biasing the internal slider (309) towards the closed position.

Regarding claim 7 note in figures 9-15 wherein the biasing means comprises at least one projection (321,fig 9)² located on one of the external slider (303) and the internal slider (309), the at least one projection abutting against at least a portion of the other slider.

Regarding claim 8 not in figures 9-15 wherein a fitment with a spout (301) having an external surface capable of mating with a collar of a dispensing connector (71') and defining a fluid passageway therethrough, an external slider (303) movable axially within the fluid passageway, and an internal slider (309) movable axially within the external slider (301), the internal slider (309) movable between a closed position operable to prevent the flow of fluid through the passageway and an open position operable to allow the flow of fluid through the passageway, the internal slider (309) being adapted to be moved between the closed and open positions by insertion of a dispensing connector into the external slider (303) adjacent the internal slider (309), and at least one of the

² See Appendix B for specified feature(s).

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external slider (303) and the internal slider (309) having biasing means located thereon to bias the internal slider (309) and the external slider (303) into the closed position.

Regarding claim 9 note in figures 9-15 wherein the biasing means comprises at least one projection located on one of the external slider (303) and the internal slider (309), the at least one projection (321) abutting against at least a portion of the other slider.

Regarding claim 10 note in figures 9-15 a container with a fitment attached to a wall of the container, forming an outlet for the container extending from the fluid storage space within the container; an external slider (303) complementarily shaped to the fluid passage and carried therein, the slider being axially movable with respect to the fluid passage; and a second internal slider (309) complementarily shaped to the external slider (303) and carried therein, the internal slider (309) movable axially within the external slider (303) between a closed position operable to prevent the fluid from flowing through the fitment and an open position operable to allow fluid to flow through the fitment and out of the container, the internal slider (309) being biased towards the closed position.

Regarding claim 11 note in figures 9-15 a container wherein the internal slider (309) is biased towards the closed position by the external slider (303).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Llyod-Davis (4,564,132) is also another type of fitment that is

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capable of being attached to a container having the outlet spout side connected to a dispensing conduit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie E. Tyler whose telephone number is 571-272-8059. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SET


KEVIN SHAVER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Appendix A

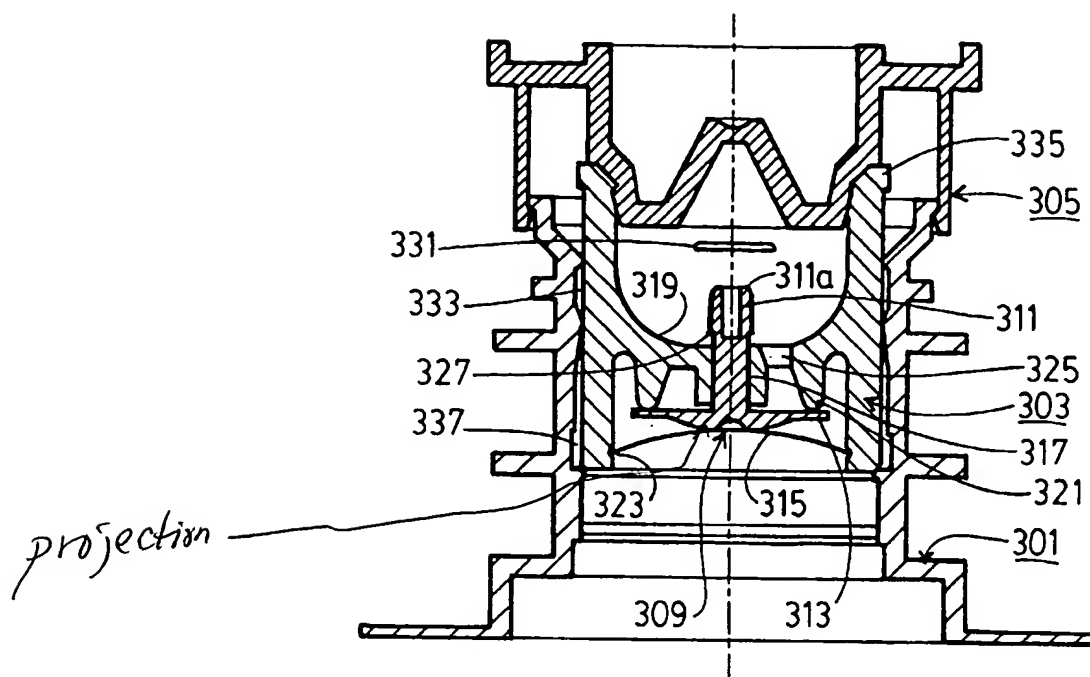


FIG. 9.

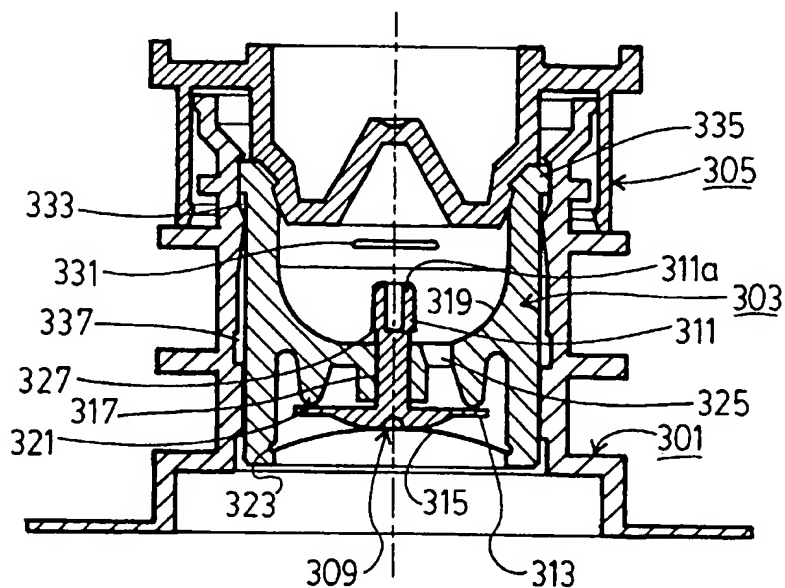


FIG. 10.

Appendix B

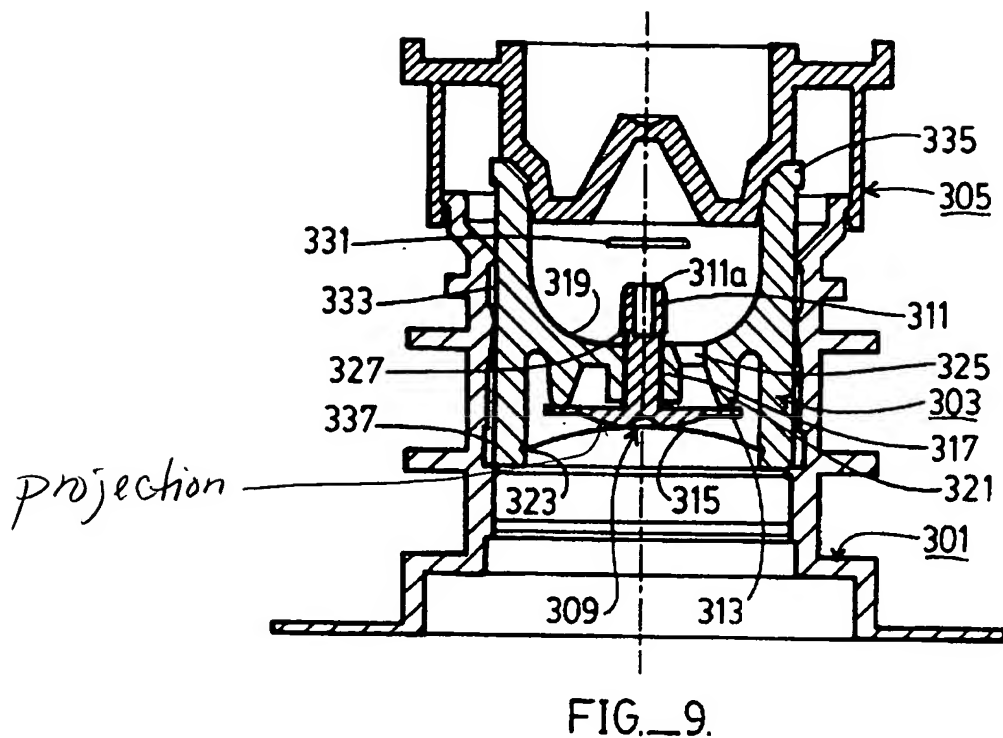


FIG. 9.

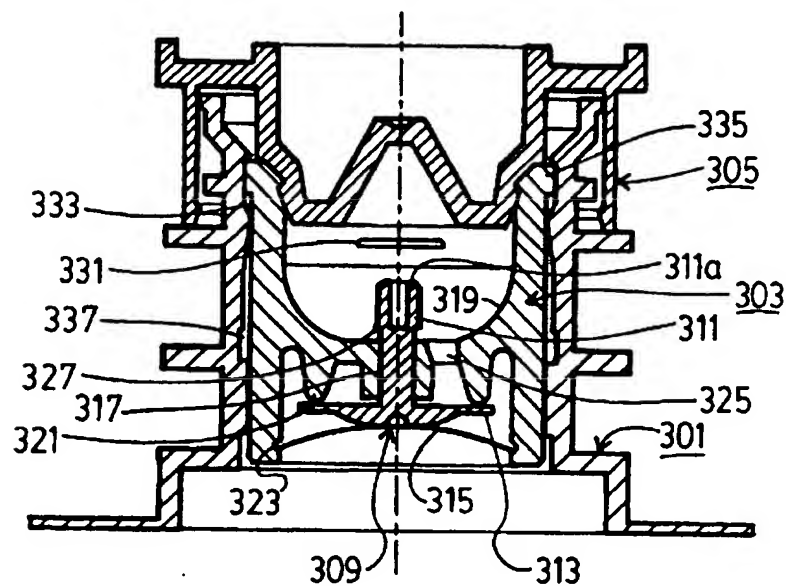


FIG. 10.